

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

In re FEDERATED MUTUAL FUNDS EXCESSIVE FEE LITIGATION)))))	Electronically Filed Consolidated Civ. Action No. 04-352-DSC
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UNOPPOSED MOTION FOR AN EXTENSION OF PRE-TRIAL DEADLINES

By this unopposed motion, Defendants respectfully request that the Court extend the pre-trial deadlines set forth in the Court's orders of May 1, 2008, March 27, 2009, August 3, 2009 and November 16, 2009. In support of their motion, Defendants state the following:

1. As this Court is aware, on March 9, 2009, the Supreme Court of the United States granted the petition for certiorari to the Seventh Circuit sought by the plaintiffs/appellants in Jones v. Harris Associates, L.P., U.S. Supreme Court No. 08-586. Oral argument in Jones v. Harris was heard by the Supreme Court on November 2, 2009.

2. A central issue in Jones v. Harris is the legal standard under Section 36(b) of the Investment Company Act of 1940 ("Section 36(b)"), the statute under which Plaintiffs have sued Defendants in this action.¹

3. The pre-trial filings in this case require, inter alia, the parties to articulate the appropriate legal standard under Section 36(b).

4. Because any filings submitted by the parties will likely be affected by the Supreme Court's decision in Jones v. Harris, Defendants respectfully submit that the efficient

¹ A petition for certiorari to the Eighth Circuit has been fully briefed in Gallus v. Ameriprise Financial, Inc., U.S. Supreme Court No. 09-163, another case involving the legal standard under Section 36(b). The Ameriprise petitioners/defendants have requested that the petition be held pending the Supreme Court's decision in Jones v. Harris.

administration of justice will be best served by extending the deadlines for the pre-trial filings until the Supreme Court has rendered its decision in Jones v. Harris.

5. Plaintiffs do not oppose this motion.

6. Defendants, therefore, request that the Court extend the deadlines set forth in its orders of May 1, 2008, March 27, 2009, August 3, 2009 and November 16, 2009, as follows:

<u>Event</u>	<u>Current Deadline</u>	<u>Extended Deadline</u>
Pre-trial Stipulation	February 18, 2010	30 days after decision rendered in <u>Jones v. Harris</u>
Plaintiffs' Pre-Trial Narrative Statement	March 19, 2010	60 days after decision rendered in <u>Jones v. Harris</u>
Plaintiffs' Proposed Findings of Fact and Law and Pre-trial Brief	March 19, 2010	60 days after decision rendered in <u>Jones v. Harris</u>
Defendants' Pre-trial Narrative Statement	April 19, 2010	90 days after decision rendered in <u>Jones v. Harris</u>
Defendants' Proposed Findings of Fact and Law and Pre-trial Brief	April 19, 2010	90 days after decision rendered in <u>Jones v. Harris</u>
Dispositive Motions	May 19, 2010	120 days after decision rendered in <u>Jones v. Harris</u>

WHEREFORE, Defendants respectfully request the Court enter the attached proposed order extending the pre-trial deadlines set forth in the Court's orders of May 1, 2008, March 27, 2009, August 3, 2009 and November 16, 2009.

Dated: February 2, 2010

Respectfully submitted,

REED SMITH LLP

By: /s/ Joseph E. Culleiton

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Unopposed Motion for an Extension of Pre-Trial Deadlines was filed electronically with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Dated: February 2, 2010

Respectfully submitted,

REED SMITH LLP

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